

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.26699 of 2015
Decided on : 14.01.2016**

Ranjit Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Jagdish Manchanda, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

Prayer in the present writ petition is for quashing of the dismissal order dated 26.03.1987 (Annexure P1), passed by the Superintending Engineer, Public Health Department, Ludhiana and for quashing of the reply dated 26.08.2015 (Annexure P9). A direction is also sought that the appeal filed against the order of dismissal be heard as the petitioner is entitled for the release of amount of salary etc., on account of the fact that he had been acquitted in FIR dated 03.03.1987, which order has been upheld by the Appellate Court.

A perusal of the paperbook would go on to show that the petitioner was dismissed from service on account of an enquiry conducted against him by the Superintending Engineer, Public Health (Govt.) Works, Ludhiana, under Rule 5(ix) of the Punjab Civil Services (Punishment & Appeal) Rules, 1970. A recovery of Rs.9,92,633.04 was also directed to be made from him. Nothing has been brought before this Court to show that there was any statutory appeal filed before a higher authority against the dismissal order. Reference has been made to an appeal filed on 30.03.1987 (Annexure P2). A perusal of the same would go on to show that it was addressed to the same officer who had passed the dismissal order, in which a request had been made that the

dismissal order should be cancelled and the petitioner should be reinstated. Thus, it is apparent that the said appeal was not filed before the authority specified under the rules regulating his appointment and condition of service. Therefore, it cannot be taken into consideration as a valid appeal and no direction can be issued for the decision of the appeal. Rule 16 of the 1970 Rules reads as under:

“16. Appellate authorities- A Government employee, including a person who has ceased to be a Government employee, may prefer an appeal against all or any of the orders specified in Rule 15 to the authority specified in this rules regulating his appointment and condition of service.”

Even otherwise, the petitioner is, now, seeking to rake up the issue only on account of his acquittal in the criminal proceedings. It is settled principle that the departmental proceedings are totally separate from the criminal proceedings and therefore, merely because, now, the petitioner has been acquitted, he does not have any fresh cause of action. The petitioner had accepted the order of dismissal wayback in the year 1987 and had never raised any objection to it and therefore, now, cannot claim that he is entitled for reinstatement on account of his acquittal. Resultantly, no direction can be issued, as prayed for.

Accordingly, the present writ petition is dismissed, in limine.

JANUARY 14, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE